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IN THE FEDERAL COURT OF AUSTRALIA)
NEW SOUTH WALES DISTRICT REGISTRY)

FEDERAL COURT OF AUSTRALIA N.S.W. DISTRICT REGISTRY FILED/RECEIVED
M - 8 DEC 2003
No. N 260 of 2002 Fee paid \$.....

MICROSOFT CORPORATION

First Applicant

MICROSOFT PTY LIMITED

Second Applicant

**INTERTRUST TECHNOLOGIES
CORPORATION**

Respondent

AFFIDAVIT OF JOHN VICTOR SWINSON

On 5 December 2003, I, John Victor Swinson of 1 Eagle Street, Brisbane, Queensland, solicitor, solemnly and sincerely declare and affirm:

- 1 I am a partner of Mallesons Stephen Jaques and have the day to day conduct of this matter on behalf of the applicants.
- 2 I am also a U.S. attorney, admitted to practice in New York State, and before the following U.S. federal courts:
 - (a) Southern District of New York;
 - (b) Eastern District of New York;
 - (c) Northern District of California; and
 - (d) Court of Appeals for the Federal Circuit.
- 3 From 1991 to 1997, I was an attorney at Kenyon & Kenyon in New York, where I specialised in U.S. patent law. I have experience in and understand U.S. Patent Office practice, U.S. patent searching, and U.S. patent litigation.
- 4 In the United States, patent applications that are filed on or after 29 November 2000 are published 18 months after filing. U.S. patent applications where the filing date of the application is before 29 November 2000 are published only upon issuance as a patent. As a general rule, one cannot search or obtain access to a pending U.S. patent application filed

Filed on behalf of the Applicants by:

MALLESONS STEPHEN JAQUES
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

DX 113, SYDNEY
Tel: (02) 9296 2000
Fax: (02) 9296 3999
Ref: NM:KOC
6993653

prior to 29 November 2000 where a patent has not issued from or claiming priority from that application. Not all patent applications that are filed in the U.S. are allowed and issue as patents.

5 I have read Australian Patent No. 728,776 ("the Patent"). This patent is owned by Intertrust Technologies Corporation ("Intertrust"), the Respondent.

Serial no. 08/699,712

6 On page 39, lines 11 to 12 of the Patent, there is a reference to "co-pending related U.S. patent application serial no. 08/699,712 (referenced above)". As far as I can determine, there is no patent application with serial number 08/699,712 referenced anywhere else in the Patent.

7 In the United States, a serial number for a patent application is made up of a series code (e.g., "08") and an application number (e.g., "699,712"). When a patent application is filed, it is allocated the next sequential serial number. When the patent application issues, the patent is allocated the next sequential patent number (e.g., U.S. Patent No. 5,123,456). The patent number is not related to or derived from the serial number.

8 The series code corresponds to a date range:

Series Codes:

- 02** Earlier than Jan. 1, 1948
- 03** Jan.1, 1948 - Dec. 31, 1959
- 04** Jan. 1, 1960 - Dec. 31, 1969
- 05** Jan. 1, 1970 - Dec. 31, 1978
- 06** Jan. 1, 1979 - Dec. 31, 1986
- 07** Jan. 1, 1987 - Dec. 31, 1992
- 08** Jan. 1, 1993 - Dec. 31, 1997
- 09** Jan. 1, 1998 - Current

9 I conclude that the application referred to in the Patent with the serial number 08/699,712 was filed during the years 1993 to 1997 (inclusive).

10 I searched the U.S. Patent and Trademark Office ("U.S. P.T.O.") database of issued U.S. patents on 3 December 2003 for an issued U.S. patent that had been assigned an application number of "699,712". Annexed and marked "A" is a copy of my search results. My search returned U.S. Patent No. 4,036,596 filed in 1976, directed to continuous sulphonation of an organic liquid, and U.S. Patent No. 4,631,272 filed in 1985, directed to a chemical compound.



Both these patents had been assigned application number 699,712. The database that I searched includes the full text of U.S. patents issued from 1976 to 25 November 2003.

11. I also searched the U.S. P.T.O. database of published, pending patent applications for a pending and published U.S. patent application that had been assigned an application number of "699,712". Annexed and marked "B" is a copy of my search results. My search yielded no results.

12. I searched the U.S. P.T.O. database of issued U.S. patents on 3 and 4 December 2003 for an issued U.S. patent that included the text "08/699,712" anywhere in the patent. Annexed and marked "C" is a copy of my search results. The database that I searched includes the full text of U.S. patents issued from 1976 to 25 November 2003. My search returned four issued patents:

- (a) U.S. Patent No. 5,920,861, titled "Techniques for defining using and manipulating rights management data structures";
- (b) U.S. Patent No. 6,112,181, titled "Systems and methods for matching, selecting, narrowcasting, and/or classifying based on rights management and/or other information" which is owned by Intertrust;
- (c) U.S. Patent No. 6,138,119, titled "Techniques for defining, using and manipulating rights management data structures" which is said to be a continuation of an application filed on 25 February 1997 that issued as U.S. Pat. No. 5,920,861 (listed above in paragraph 12(a)).
- (d) U.S. Patent No. 6,185,683, titled "Trusted and secure techniques, systems and methods for item delivery and execution" which is owned by Intertrust and issued on 6 February 2001.

13. U.S. Patent No. 5,920,861, referenced in paragraph 12(a) above, includes the following text:

"This application is related to commonly assigned application Ser. No. 08/388,107 of Ginter et al. entitled "SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND ELECTRONIC RIGHTS PROTECTION," filed on Feb. 13, 1995, now abandoned; and pending application Ser. No. 08/699,712 of GINTER et al. entitled "TRUSTED INFRASTRUCTURE SUPPORT SYSTEMS, METHODS AND TECHNIQUES FOR SECURE ELECTRONIC COMMERCE ELECTRONIC TRANSACTIONS AND RIGHTS MANAGEMENT" filed on Aug. 12, 1996, now pending."

14. U.S. Patent No. 6,112,181, referenced in paragraph 12(b) above, includes the following text:

"A customer might, for example, seek only news articles from providers that take electronic cash and/or process information with a certain information clearinghouse as described in U.S. patent application Ser. No. 08/699,712 to Shear et al., filed Aug. 12, 1996, for "Trusted Infrastructure Support Systems, Methods And Techniques For Secure Electronic Commerce Electronic Transactions And Rights Management" (hereafter "Shear et al")--the entire disclosure (including the drawings) of which is expressly incorporated into this application as if expressly set forth herein."

110 295-2

15 U.S. Patent No. 6,185,683, referenced in paragraph 12(d) above, includes the following text

"This application is related to concurrently filed commonly assigned copending application Ser. No. 08/699,712 of Ginter et al. entitled "Trusted Infrastructure Support Systems, Methods and Techniques for Secure Electronic Commerce, Electronic Transactions, Commerce Process Control and Automation, Distributed Computing, and Rights Management" (hereinafter referred to as "Shear et al" to avoid confusion with the "Ginter et al" referenced in the paragraph above)."

16 From these searches, I conclude that the reference to "co-pending related U.S. patent application serial no. 08/699,712 (referenced above)" on page 39, lines 11 to 12 of the Patent, is a reference to a U.S. patent application that has not issued and not been published as a U.S. patent. Based on the paragraphs of the issued Intertrust patents quoted above in paragraphs 13 to 15, it is unclear whether Ginter or Shear is the first named inventor of the U.S. patent application with serial no. 08/699,712. I cannot determine the title for 08/699,712, because the two of the three titles given by Intertrust (quoted above) are different.

Ginter et al.

17 On page 1 of the Patent, there is a reference to "The Ginter et al. patent specification referenced above..."

18 As far as I can determine, there is no patent specification referenced above the statement in the Patent.

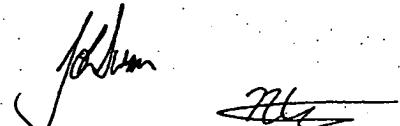
19 Throughout the Patent, there are references to the "Ginter et al. patent specification" which is described as "referenced above" or "above-referenced" (see, for example, page 4, lines 4 and 20; page 9, line 23).

20 There is no additional information in the Patent that provides more information identifying the "Ginter et al. patent specification". The Patent does not include a patent number, serial number, filing date or title for the "Ginter et al. patent specification".

21 On 4 December 2003, I searched the U.S. P.T.O database of issued U.S. patents for an issued U.S. patent that listed "Ginter" as an inventor. A total of 77 issued U.S. patents were found that listed "Ginter" as an inventor. Annexed and marked "D" is a copy of my search results.

22 I also searched the U.S. P.T.O. database of published, pending patent applications for a pending and published U.S. patent application that listed "Ginter" as an inventor. A total of 14 pending U.S. patent applications were found that listed "Ginter" as an inventor. Annexed and marked "E" is a copy of my search results.

23 Annexed and marked "F" is a copy of a certificate I obtained from the Australian Patent Office.



24 Annexed and marked "G" are copies of six affidavits of Ngaire Pettit-Young of the University of New South Wales.

AFFIRMED at BRISBANE)

before me:)



.....) Signature of authorised witness)

Nicholas Tilden Clifton.....))

Name of authorised witness)

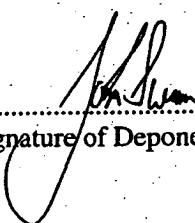
1 Eagle Street, Brisbane Qld 4000.....))

Address of authorised witness)

Solicitor.....))

Capacity in which authorised witness takes the.....))
affidavit)

.....) Signature of Deponent)



USPTO PATENT FULL-TEXT AND IMAGE DATABASE[Home](#)[Quick](#)[Advanced](#)[Pat Num](#)[Help](#)[Bottom](#)[View Cart](#)*Searching 1976 to present...***Results of Search in 1976 to present db for:****APN/699,712: 2 patents.****Hits 1 through 2 out of 2**[Refine Search](#)

APN/699,712

**PAT.
NO.**

1 4,631,272 N-acylated 1-alkylamino-1-deoxy-ketose derivatives, a process for their preparation and their use
2 4,036,596 Apparatus for continuous sulfonation

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This and the following 0 pages comprise the
annexure marked "A" to the affidavit of
John Victor Swinson sworn on
5 December 2003 before me:

Solicitor of the Supreme Court

US PATENT & TRADEMARK OFFICE
PATENT APPLICATION FULL TEXT AND IMAGE DATABASE**Help** **Home** **Boolean** **Manual** **Number** **Order Copy** **PTDLs***Searching ...***Results of Search in db for:**
APN/"699,712": 0 applications.

No application publications have matched your query

Refine Search**APN/"699,712"**

This and the following 0 pages comprise the
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John Victor Swinson sworn on
5 December 2003 before me:

.....
Solicitor of the Supreme Court

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

Searching 1976 to present...

Results of Search in 1976 to present db for:

08/699,712: 4 patents.

Hits 1 through 4 out of 4

08/699,712

PAT. NO. Title

1 6,185,683 Trusted and secure techniques, systems and methods for item delivery and execution

2 6,138,119 Techniques for defining, using and manipulating rights management data structures

3 6,112,181 Systems and methods for matching, selecting, narrowcasting, and/or classifying based on rights management and/or other information

4 5,920,861 Techniques for defining using and manipulating rights management data structures

This and the following 0 pages comprise the annexure marked "C" to the affidavit of John Victor Swinson sworn on 5 December 2003 before me:

Solicitor of the Supreme Court

USPTO PATENT FULL-TEXT AND IMAGE DATABASE**Home****Quick****Advanced****Pat Num****Help****Next List****Bottom****View Cart***Searching 1976 to present...***Results of Search in 1976 to present db for:****IN/Ginter: 77 patents.****Hits 1 through 50 out of 77****[Final 27 Hits]****[Jump To]**

This and the following 3 pages comprise the annexure marked "D" to the affidavit of John Victor Swinson sworn on 5 December 2003 before me:


Solicitor of the Supreme Court

Refine Search**IN/Ginter****PAT.
NO.**

PAT. NO.	Title
1 <u>6,658,568</u>	<u>Trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management</u>
2 <u>6,640,304</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
3 <u>6,564,556</u>	<u>High efficiency low pollution hybrid brayton cycle combustor</u>
4 <u>6,540,400</u>	<u>Cap for bag</u>
5 <u>6,523,667</u>	<u>Intermediate discharge for an enclosed roller belt conveyor assembly</u>
6 <u>6,427,140</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
7 <u>6,426,461</u>	<u>Enclosure for electronic components</u>
8 <u>6,389,402</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
9 <u>6,363,488</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
10 <u>6,334,158</u>	<u>User-interactive system and method for integrating applications</u>
11 <u>6,330,598</u>	<u>Global service management system for an advanced intelligent network</u>
12 <u>6,317,604</u>	<u>Centralized database system for a wireless location system</u>
13 <u>6,289,666</u>	<u>High efficiency low pollution hybrid Brayton cycle combustor</u>
14 <u>6,273,244</u>	<u>Idler pulley for a conveyor assembly</u>
15 <u>6,253,193</u>	<u>Systems and methods for the secure transaction management and electronic rights protection</u>
16 <u>6,237,786</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
17 <u>6,192,392</u>	<u>Updating mechanism for user programs in a computer system</u>
18 <u>6,185,683</u>	<u>Trusted and secure techniques, systems and methods for item delivery and execution</u>
19 <u>6,159,442</u>	<u>Use of multiple stream high pressure mixer/reactor</u>
20 <u>5,982,891</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
21 <u>5,949,876</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
22 <u>5,917,912</u>	<u>System and methods for secure transaction management and electronic rights protection</u>
23 <u>5,915,019</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
24 <u>5,910,987</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>
25 <u>5,892,900</u>	<u>Systems and methods for secure transaction management and electronic rights protection</u>

Swinson, John

Patent Database Search Results: I...

- 26 5,743,080 Vapor-air steam engine
- 27 5,622,334 Dispenser for rolled material
- 28 5,617,719 Vapor-air steam engine
- 29 5,604,612 Paper white PDLC system
- 30 5,579,375 Call transfer within cellular communications system
- 31 5,573,014 Complete (bed-time) back support system
- 32 5,353,996 Sootblower frame and drive assembly
- 33 D338,168 Watchband
- 34 5,091,110 Method of making lanthanum cerium terbium phosphate phosphor
- 35 4,907,673 Stern platform ladder
- 36 4,874,455 Apparatus for forming endless tire reinforcing belts
- 37 4,864,049 (Halo)(hydroxy)-substituted phosphites and phosphorates
- 38 4,840,747 Method for producing a terbium activated cerium magnesium aluminate phosphor
- 39 4,823,511 Retention shield window assembly and method of making the same
- 40 4,770,214 Process for compacting and/or filling up pulverulent material
- 41 4,754,048 (Halo)(hydroxy)-substituted phosphites and phosphorates
- 42 4,741,970 Thermoplastic laminate tie layer using a polymeric blend adhesive
- 43 4,734,443 Polyurethanes with mono-ol/diol haloneocarbyl polyethers and their esters
- 44 4,692,971 Tension compensating web expander roller
- 45 4,680,043 Method for densification of powdery silica and article formed thereby
- 46 4,662,121 Backing block for profile sanders
- 47 4,612,254 Aromatic carboxylic acid and metal-modified phenolic resins and methods of preparation
- 48 4,607,063 Novel primary hydroxyl-containing phosphono-s-triazines as reactants in the production of polyurethanes
- 49 4,594,364 Halogenated phosphorus hydroxy-alkyl and t-alkoxyalkyl esters
- 50 4,556,710 Primary hydroxyl-containing phosphono-s-triazines

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USPTO PATENT FULL-TEXT AND IMAGE DATABASE**Home****Quick****Advanced****Pat Num****Help****Prev. List****Bottom****View Cart***Searching 1976 to present...***Results of Search in 1976 to present db for:****IN/Ginter: 77 patents.****Hits 51 through 77 out of 77****Prev. 50 Hits****Jump To****PremierSearch****IN/Ginter****PAT.
NO.****Title**

51 4,532,187 T Polyolefin resin blends with enhanced adhesion and laminates
52 4,521,144 T Quill stop device
53 4,511,688 T Flame retardant for use in rigid polyurethane foams
54 4,510,101 T Halogenated phosphorus hydroxy-alkyl and t-alkoxyalkyl esters
55 4,496,494 T Process for preparation of (halo)(hydroxy)-substituted phosphites and phosphorates
56 4,481,167 T Sanitizing complexes of polyoxazolines or polyoxazines and polyhalide anions
57 4,474,928 T Polyolefin resin blends with enhanced adhesion
58 4,450,280 T Phosphorous-containing polyether polyols
59 4,415,188 T Automobile exhaust pipe clamping device
60 4,408,001 T Degeneration inhibited sanitizing complexes
61 4,376,668 T Apparatus for and method of making V-belts
62 4,365,026 T (Halo)(hydroxy)-substituted phosphites and phosphorates as flame retardants in polyurethane foams
63 4,359,590 T Titanate ester-stabilized bisphenols
64 4,347,194 T Polyhydroxyl polyether compounds containing phosphorus
65 4,298,709 T Polyhydroxyl polyether compounds containing phosphorus and polymeric resins prepared therefrom
66 4,244,038 T Watch having adjustable date and day indicators
67 4,221,861 T Backside antistatic coated film bearing a light sensitive emulsion
68 4,185,128 T Anti-snag finishing treatment for fabrics
69 4,180,286 T Exhaust pipe safety clamp assembly and combination
70 4,171,935 T Anti-snag finish soluble in non-aqueous solvents
71 4,143,507 T Battery operated electronic watch
72 4,125,369 T Permanent topical textile antistats
73 4,081,952 T Watch module for use with separate power source
74 4,045,954 T Safety mechanism for a watertight watch having a piezo electric buzzer
T

Swinson, John

Patent Database Search Results: I...

75 4,007,148 Electroconductive coatings having excellent coating holdout properties76 4,004,409 Watch having a piezo electric buzzer mechanism77 3,956,171 Process for preparing stable positively charged alumina coated silica sols and product thereof[Prev. List](#)[Top](#)[View Cart](#)[Home](#)[Quick](#)[Advanced](#)[Pat Num](#)[Help](#)

**US PATENT & TRADEMARK OFFICE
PATENT APPLICATION FULL TEXT AND IMAGE DATABASE**[Help](#)[Home](#)[Boolean](#)[Manual](#)[Number](#)[PTDLs](#)[Bottom](#)[View Shopping Cart](#)*Searching PGPUB Production Database...***Results of Search in PGPUB Production Database for:**

IN/ginter: 14 applications.

Hits 1 through 14 out of 14[Jump to](#)[Refine Search](#)

IN/ginter

PUB. APP. NO. Title

- 1 [20030191719](#) Systems and methods for secure transaction management and electronic rights protection
- 2 [20030173410](#) Tempeature-controlled mixer valve
- 3 [20030163431](#) Systems and methods for secure transaction management and electronic rights protection
- 4 [20030140413](#) Sanitary appliance
- 5 [20030139666](#) Method and device for the stroboscopic recording and reproduction of repetitive processes
- 6 [20030127303](#) Intermediate discharge for an enclosed roller belt conveyor assembly
- 7 [20030105721](#) Systems and methods for secure transaction management and electronic rights protection
- 8 [20030088784](#) Systems and methods for secure transaction management and electronic rights protection
- 9 [20030014959](#) High efficiency low pollution hybrid brayton cycle combustor
- 10 [20020112171](#) Systems and methods for secure transaction management and electronic rights protection
- 11 [20020055995](#) Global service management system for an advanced intelligent network
- 12 [20020048369](#) Systems and methods for secure transaction management and electronic rights protection
- 13 [20010031326](#) Packing material for mortar compositions
- 14 [20010017948](#) Cap for bag

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This and the following 0 pages comprise the
annexure marked "E" to the affidavit of
John Victor Swinson sworn on
5 December 2003 before me:

Solicitor of the Supreme Court



"F"

14

Patent Office
Canberra

I, LEANNE MYNOTT, MANAGER EXAMINATION SUPPORT AND SALES hereby certify that the following became open to public inspection in the Australian Patent Office, Canberra, on the dates shown:

Australian Patent Specification	46814/96	21 August 1996
Australian Patent Specification	63266/96(711733)	18 September 1996
Australian Patent Specification	711733	advertised accepted 21 October 1999

WITNESS my hand this
Twenty-eighth day of November 2003

LEANNE MYNOTT
MANAGER EXAMINATION SUPPORT
AND SALES

This and the following 0 pages comprise the
annexure marked "F" to the affidavit of
John Victor Swinson sworn on
5 December 2003 before me:

Solicitor of the Supreme Court

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The National Library of Australia holds a copy of the publication "Research and Practical Issues in Databases: proceedings of the 3rd Australian Database Conference, held in Melbourne, on 3-4 February 1992" edited by B. Srinivasan and J. Zeleznikow and published by World Scientific in 1992. This publication contains a paper by T. Hardjono, Y. Zheng and J. Seberry at pages 334 to 343 entitled "A new approach to database authentication". This publication was received by the National Library of Australia on 26 October 1992 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

This and the following 5 pages comprise the
annexure marked "Q" to the affidavit of
John Victor Swinson sworn on
5 December 2003 before me:

Solicitor of the Supreme Court

Sworn at *Kensington*
in the State of New South Wales by the said
NGAIRE PETTIT-YOUNG
on 1st December 2003

Ngaire Pettit-Young
C.E. Young J.P.

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The University of Sydney Library holds a copy of the publication "Electro '94 International" the published conference proceedings of the 1994 International conference published by IEEE which contains a paper by A.E. Wade at pages 603 to 608 entitled "The ODBMS role in 64 bit distributed client-server computing". This publication was received by the University of Sydney Library 27 November 1995 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

Sworn at Kensington
in the State of New South Wales by the said
NGAIRE PETTIT-YOUNG
on 1st December 2003

Ngaire Pettit-Young
at Kensington
..... C.E. Young J.P.

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The National Library of Australia holds a copy of the publication "Building an object-oriented database system: the story of O₂" edited by F. Bancilhon, C. Delobel and P. Kanellakis and published by Morgan Kaufmann Publishers in 1992. This publication was received by the National Library of Australia on 24 July 1992 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

Sworn at *Kensington*
in the State of New South Wales by the said
NGAIRE PETTIT-YOUNG
on 1st December 2003

Ngaire Pettit-Young
C.E.Perry J.P.

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The University of New South Wales Library holds a copy of the journal "IEEE Transactions on Knowledge and Data Engineering" volume 2 number 3 of 1990 which contains an article by W. Kim at pages 327 to 341 entitled "Object-oriented databases: definition and research directions". This publication was received by the University of New South Wales Library 16 October 1990 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

Sworn at *Kensington*
in the State of New South Wales by the said
NGAIRE PETTIT-YOUNG
on 1st December 2003

Ngaire Pettit-Young
..... CEReony J.P.

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The University of New South Wales Library holds a copy of the publication "Object-Oriented Computing" volume 1: Concepts, edited by G. E. Peterson and published by the Computer Society Press of the IEEE in 1987. This publication was received by the University of New South Wales Library on 22 January 1991 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

Sworn at Kensington
in the State of Victoria by the said
NGAIRE PETTIT-YOUNG
on /5^tDecember 2003

) Ngaire Pettit-Young
) C.E.Perry J.P.....

AFFIDAVIT

On the 1st day of December, 2003, I, Ngaire Pettit-Young, Senior Librarian, of the University of New South Wales, Kensington, New South Wales, make oath and say as follows:

1. I am employed as a Senior Librarian at the University of New South Wales Library and have access to and knowledge of the record keeping practices of Australian libraries. These records are made in the ordinary course of maintaining an account of a Library's collection and are prepared by employees of each library.
2. At the request of the Applicant/Cross-Respondent, I have researched the accession dates of each publication as described below. I have contacted the named library as indicated and obtained a copy of the accession date stamp, journal title pages and journal contents pages from the relevant library to ensure that the information provided is correct.
3. The University of New South Wales Library holds a copy of the publication " Object-Oriented Concepts, Databases, and Applications" edited by W. Kim and F. H. Lochovsky and published by ACM Press in 1989. This publication was received by the University of New South Wales Library 26 September 1990 and would have been available on the library's open shelves or through the Australian inter-library loans system on or shortly after this date.

Sworn at *Kensington*
in the State of NSW by the said
NGAIRE PETTIT-YOUNG
on 15 December 2003

Ngaire-Young
C. E. Young J.P.